

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER MAAS, on behalf of People
of Nebraska;

Plaintiff,

vs.

STATE OF NEBRASKA,

Defendant.

4:22CV3113

MEMORANDUM AND ORDER

On June 29, 2022, Plaintiff Christopher Maas filed an unsigned “In Forma Pauperis Financial Statement,” which has been docketed as a motion for leave to proceed in forma pauperis (“IFP”), [Filing No. 2](#). On June 30, 2022, the Clerk of Court advised Plaintiff that his IFP motion was unsigned and therefore deficient. The Clerk of Court directed Plaintiff to “correct the deficiency” (i.e., file a signed IFP motion) within 15 days, or the pleading “may be stricken from the record of this case.” [Filing No. 5](#) (text order). Plaintiff has failed to follow the Clerk of Court’s directions.

In addition, Plaintiff’s IFP motion, [Filing No. 2](#), does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. See [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor”). Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the Clerk’s office or submitting a signed request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).

Accordingly, the Court shall order Plaintiff to file a signed IFP motion that complies with [28 U.S.C. § 1915](#) and [Federal Rule of Civil Procedure 11](#) and the Court’s

Local Rules. This matter cannot proceed until the foregoing deficiencies are corrected. FAILURE TO CORRECT THE DEFECTS WITHIN 30 DAYS WILL RESULT IN DISMISSAL OF THE COMPLAINT WITHOUT FURTHER NOTICE.

IT IS THEREFORE ORDERED that:

1. Plaintiff's "In Forma Pauperis Financial Statement," construed as a request to proceed IFP, [Filing No. 2](#), is denied without prejudice to reassertion in a motion to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).
2. Plaintiff is directed to submit the \$402.00 fees to the Clerk's office or correct the above-listed technical defects in the IFP motion on or before **August 17, 2022**. Failure to comply with this Memorandum and Order will result in dismissal of this matter without prejudice and without further notice.
3. The Clerk of Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").
4. The Clerk of Court is directed to set a pro se case management deadline in this matter with the following text: **August 17, 2022**: deadline for payment or submission of a signed IFP motion.
5. No further review of this case shall take place until Plaintiff complies with this order.

Dated this 18th day of July, 2022.

BY THE COURT:



Joseph F. Bataillon
Senior United States District Judge